

To: Mugdan, Walter[Mugdan.Walter@epa.gov]; Yeh, Alice[Yeh.Alice@epa.gov]; Flanagan, Sarah[Flanagan.Sarah@epa.gov]; Fajardo, Juan[Fajardo.Juan@epa.gov]; Wilson, Eric[Wilson.EricJ@epa.gov]
Cc: Carpenter, Angela[Carpenter.Angela@epa.gov]; Prince, John[Prince.John@epa.gov]
From: Sivak, Michael
Sent: Wed 8/23/2017 7:28:07 PM
Subject: RE: Passaic

Walter,

Thanks for sharing this information. We'll look into our files for Celanese. I agree with Eric and Juan as the points of contact.

Michael Sivak

212.637.4310

From: Mugdan, Walter
Sent: Wednesday, August 23, 2017 2:30 PM
To: Yeh, Alice <Yeh.Alice@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Prince, John <Prince.John@epa.gov>
Subject: RE: Passaic

I spoke briefly with Jessica Furey. She asked who in Region 2 should be Celanese's primary point of contact if the company wants to have a direct conversation with us. I suggested Eric Wilson if the communication comes from a non-attorney company rep, and Jhuan Fajardo if from an attorney. She asked whether it would be important for any such outreach from Celanese to come prior to the 8/28 meeting. I said I did not think so. I said that if Celanese has opinions about how an allocation process can most helpfully proceed (e.g., with what group(s) of PRPs to be included), the 8/28 meeting is an opportunity to share those views with EPA, but presumably not the only or last opportunity to do so.

She told me: (A) Celanese is no longer part of the CPG (you may already know this). (B) Celanese is purported to be a PRP for the Passaic because of discharges from two facilities; for

one of these the company is indemnified (by an entity named Essex?), and from the other it did not discharge contaminants of concern. I did not respond to either assertion.

From: Yeh, Alice

Sent: Wednesday, August 23, 2017 1:49 PM

To: Mugdan, Walter <Mugdan.Walter@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>

Cc: Sivak, Michael <Sivak.Michael@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Prince, John <Prince.John@epa.gov>

Subject: RE: Passaic

Sarah is out of the office for the rest of the week, so I can answer about the allocator task order and 8/28 meeting.

1) There is a rumor that the Contracting Officer wants to approve the task order this week. We are working to confirm that.

2) There are 2 meetings next week. On 8/28 is an EPA meeting with the PRPs to hear from them about their opinions on who should be in an allocation. On 8/29 is an EPA meeting with the allocator alone to kick-off the task order. That last one is assuming that the task order is truly approved by Friday.

I will have to check on Celanese.

From: Mugdan, Walter

Sent: Wednesday, August 23, 2017 1:43 PM

To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>

Cc: Sivak, Michael <Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Prince, John <Prince.John@epa.gov>

Subject: Passaic

FYI see message below. Jessica Furey worked in EPA HQ during the Christie Whitman administration. She now works for the Whitman Strategy Group, the same firm where Jane Kenny works. I knew her fairly well when she was at EPA.

I will speak to her to hear her out, but will not engage in a substantive discussion.

Meanwhile, did the allocator task order ever get issued by HQ? And is there in fact an August 28 meeting with PRPs -- I think that was my misunderstanding, and the 8/28 meeting was perhaps just EPA and the allocator?

And by the way, where do we think Celanese might end up in an allocation - top tier or more middle-tierish?

Begin forwarded message:

From: Jessica Furey <jessica.furey@whitmanstrategygroup.com>
Date: August 23, 2017 at 1:29:45 PM EDT
To: "mugdan.walter@epa.gov" <mugdan.walter@epa.gov>
Cc: Susan Mulvaney <susan.mulvaney@whitmanstrategygroup.com>
Subject: Touching Base

Hi Walter,

Jane mentioned that you are out on vacation and I hope that you are enjoying these last few weeks of summer. We wanted to give you a heads up that WSG will be working with Celanese regarding its role in the clean up of the Lower Passaic River. As a next step, Celanese will be attending the August 28th meeting to discuss EPA's framework for implementation of the remedy selected for OU2. I would greatly appreciate the opportunity to quickly touch base with you by phone when you are back in the office regarding the allocation process moving forward and how best to engage with Region 2 on these issues. Thanks very much and I look forward to speaking with you.

Best,

Jessica

(202) 997-9069